IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 7583 OF 2005

Amgonda Devgonda Patil & Ors..... Applicants.

Versus

State of Maharashtra.... ..... Respondent.

Mr. A.P.Mundargi i/by Mr. P. P. Runwal
for the Applicants.
Mrs. M. M. Deshmukh, APP for the State.

CORAM : D. B. BHOSALE, J.

DATED : 6TH JULY, 2006.

P.C.:

The applicants have by this application prayed for quashing the proceedings in Regular Criminal Case No. 12 of 2003 pending on the file of the Judicial Magistrate, First Class, Jaisingpur, Dist. Kolhapur. The respondent - complainant had filed complaint against the applicants for the offence punishable under Sections 406 and 420 read with 34 of the Indian Penal Code. The applicant Nos.1 and 2 are the parents of applicant No.3. The respondent has alleged that all the applicants had promised that applicant No.3 would marry him and under that pretext they used to

demand money from time to time and that he has paid altogether Rs.3,00,000/- to the applicants. Several letters are placed on record in support of this allegation. It has also been stated that they had promised to repay the entire amount. It appears that the marriage, as promised, was not solemnised. The respondent, thereafter, filed the instant complaint against the applicants. The order of issuance of process was challenged by all the applicants in revision and in revision after considering the entire material that was placed before the court, it was partly, allowed and the process issued under Section 406 read with 34 came to be quashed.

2. I have perused the judgment and the other material including some letters placed before me. I have also perused the complaint. From the facts stated in the complaint and after considering the other material, including the letters, prima facie, it is clear that the applicants - accused dishonestly induced the complainant to pay Rs.3,00,000/- on different pretext from time to time, constituting an offence under Section 420 of the Indian Penal Code. I find absolutely no reason and ground to interfere with the order, issue process under Section 420 read with 34 of

the Indian Penal Code. In the circumstances, application is rejected.

3. The trial court shall decide the case on merits in accordance with law and uninfluenced by the observations made in this order.

(D. B. BHOSALE, J.)